COMPLAINT UNDER 42 USC §1983, CIVIL RIGHTS ACT-TDCJ-ID (Rev. 2/08)

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IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS SAN ANTONIO DIVISION

JAN - 3 2012 CLERK, U.S. DISTRICT COURT WESTERN DISTRICT OF TEXAS BY

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INSTRUCTIONS - READ CAREFULLY

NOTICE:

Your complaint is subject to dismissal unless it conforms to these instructions and this form.

- 1. To start an action you must file an original and one copy of your complaint with the court. You should keep a copy of the complaint for your own records.
- 2. Your complaint must be <u>legibly</u> handwritten, in ink, or typewritten. You, the plaintiff, must sign and declare under penalty of perjury that the facts are correct. If you need additional space, <u>DO NOT USE THE REVERSE</u> <u>SIDE OR BACK SIDE OF ANY PAGE</u>. ATTACH AN ADDITIONAL BLANK PAGE AND WRITE ON IT.
- 3. You must file a separate complaint for each claim you have unless the various claims are all related to the same incident or issue or are all against the same defendant, Rule 18, Federal Rules of Civil Procedure. Make a short and plain statement of your claim, Rule 8, Federal Rules of Civil Procedure.
- 4. When these forms are completed, mail the original and one copy to the Clerk of the United States Court for the appropriate District of Texas in the Division where one or more named defendants are located, or where the incident giving rise to your claim for relief occurred. The list labeled as "VENUE LIST" is posted in your unit law library. It is a list of the Texas prison units indicating the appropriate District Court, the Division and an address list of the Divisional Clerks.

FILING FEE AND IN FORMA PAUPERIS

- 1. In order for your complaint to be filed, it must be accompanied by the filing fee of \$350.00.
- 2. If you do not have the necessary funds to pay the filing fee in full at this time, you may request permission to proceed in forma pauperis. In this event you must complete the application to proceed in forma pauperis (IFP), setting forth information to establish your inability to prepay the fees and costs or give security therefor. You must also include a current six (6) month history of your Inmate Trust Account. You can acquire the application to proceed IFP and appropriate Inmate Account Certificate from the law library at your prison unit.
- 3. 28 U.S.C. 1915, as amended by the Prison Litigation Reform Act of 1995 (PLRA), provides, "...if a prisoner brings a civil action or files an appeal *in forma pauperis*, the prisoner shall be required to pay the full amount of a filing fee." Thus, the Court is required to assess and, when funds exist, collect, the entire filing fee or an initial partial filing fee and monthly installments until the entire amount of the filing fee has been paid by the prisoner. If you submit the application to proceed *in forma pauperis*, the Court will apply 28 U.S.C. 1915 and, if appropriate, assess and collect the entire filing fee or an initial partial filing fee, then monthly installments from your Inmate Account, until the entire \$350 filing fee has been paid.
- 4. If you intend to seek *in forma pauperis* status, then do not send your complaint without an Application to Proceed IFP, and the Certificate of Inmate Trust Account. Complete all the essential paperwork before submitting it to the Court.
- 5. The complaint can not exceed 20 pages which includes all attachments.

CHANGE OF ADDRESS

It is your responsibility to inform the Court of any change of address and its effective date. Such notice should be marked "NOTICE TO THE COURT OF CHANGE OF ADDRESS" and shall not include any motion (s) for any other relief. Failure to file a NOTICE TO THE COURT OF CHANGE OF ADDRESS may result in the dismissal of your complaint pursuant to Rule 41(b), Federal Rules of Civil Procedure.

I. PREVIOUS LAWSUITS:

A.		e you filed any other lawsuits in state or federal court relating to your isonment? YESNO
В,		our answer to "A" is "yes," describe each lawsuit in the space below. (If there is more than one muit, describe the additional lawsuits on another piece of paper, giving the same information.)
	1.	Approximate date of filing lawsuit:
	2. I	Parties to previous lawsuit:
	· I	Plaintiff(s)
	I	Defendant(s)
	3. (Court: (If federal, name the district; if state, name the county.)
	4. I	Docket Number:

5. Name of judge to whom case was assigned: 6. Disposition: (Was the case dismissed, appealed, still pending?) 7. Approximate date of disposition: PLACE OF PRESENT CONFINEMENT: Kerv (e. Ja.) 100 clear (whe large Marville) PARTIES TO THIS SUIT: A. Name and address of plaintiff: Travis Lee Eells 100 clear (whe large Marville) B. Full name of each defendant, his official position, his place of employment, and his full mailing addres Defendant #1: Rush Harrholzer (much Sheirl) here (e. Ja.) 100 clear (whe large Marville) Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you. As Shring at this health lead to any Green Argultisance. Defendant #2: Shring Franker Jan administrator there was a large to make the form of the constant of the large marville to the health of the health of the health of the large marville to the large of the large		
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Detendant #5: Stuart Gross, Shift Soyl, MINT Co. Dail, 400 Offer Water Paseo		Defendant #5: Stuart Gross, Shift Soyl, Never Co. Da. 1, 400 dear Water Paseo
harrolle TX. 78028		harrolle TX. 7x620
Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you I shorted my crommake help, and contributed by his neglect to the contributed by his n		Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Please also see Attachment A

1011 afforchment A Parties to this Suit Continued: Wendent #6 Dary Godin Correctional Officer Herr Co. Jail; 400 dear water Pases Kerrville TX 78028 · Used illegal restraint technique on me while I was unconciouss by attempting to break my Fingers, standart # Unidentified Correctional Officer; herr Co. Jail; 400 clear water Paseo Kerville TX, 78028 · Used illegal restraint technique on me to while + was yn-conciouss by choking me and using pressure points in my nech, after I was hanging by the nech Tim O'neil; Medical Staff; Kerr CoJail; 400 clear water Paseo referdent #8 · Failed to take any action when I made him aware of my mental state Nayleded my needs which contributed to the continuing deferoration of my mental State causing me extreme emotionall and mental distress which lead to my failed Suicide attempt Still has failed to meet my MHMB needs, referred + 4 9 Vivke Snaph; Facilly Sphycologist; Kerr Co. Jail; 400 clear water Paseo herrille TX. 78028 On multiple occasions has deviced me menter-health assistance, contributing to the deterioration of my menter |- State, causing me extreme emotionall and Mental distress, which lead to my laited suicide aftempt. To this day, denies me adequate mental-health attention.

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IV.

ST	CATEMENT OF CLAIM:
	ate here in a short and plain statement the facts of your case, that is, what happened, where did it happen, and who was involved. Describe how <u>each</u> defendant is involved. You need not give any
leg se mi	gal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and the forth each claim in a separate paragraph. Attach extra pages if necessary, but remember that the complain ust be stated briefly and concisely. IF YOU VIOLATE THIS RULE, THE COURT MAY STRIKE YOUR
C	OMPLAINT.
	Please see Allachment B 1-3.
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facil Ter	dequate attention to my MHMh needs, Propper Reprimands to employee's Chere neccessary, I who to be made to propperly aromadake neatal-health patients, monetary damages for mental and e minulation of employee's this by needect, endangered my 11 he. ENERAL BACKGROUND INFORMATION:
A	State, in complete form, all names you have ever used or been known by including any and all aliases:
_	travis Lee Eells
В	List all TDCJ-ID identification numbers you have ever been assigned and all other state or federal priso or FBI numbers ever assigned to you, if known to you.
7	DCT#1491059 Sid#43028
9	ANCTIONS:
	and the second of the second o
В	If your answer is "yes", give the following information for every lawsuit in which sanctions were imposed. (If more than one, use another piece of paper and answer the same questions.)
	1. Court that imposed sanctions (if federal, give the district and division):
	2. Case Number:
	3. Approximate date sanctions were imposed:
	4. Have the sanctions been lifted or otherwise satisfied? YES NO

Claim #1 · On or around August 25th, 2011; The medical staff Livke Singh denied me propper attention for my mental-health issues, Claim #2 *On or around august 29th, 2011; I was pat in Seperation, where my 1st expression of my debilitating mental state, by means of a cry-out for relief from suicidal thoughts ended in me being put in the violent tank. This incident made the administration and medical staff aware of my an-stable mental state as well as my suicidal tendencies. I was still not given the proper attention to my menter-bealth issues, and continued debilitating. 21 nim #3 ·On or around October 24th 2011; I was put in Seperation for an incident report. I made the assistant administrator andrew Blizzard aware of the extreme effects of Solitary Confinement on my mental-state and Mental-health apon my entrance into Seperation for the 30 day perioud given, I periodically made aftempts to seek relief from a downward-giral and breakdown of my mental-state through means of talking to medical-stalk = also put a regenst form in to speak to Jail administrator Eulvia Foralter, to make her grown of my debilitating State of mind and to spell any form of relich. I can never given a reposse or an opportunity to talk to her. Their lack of attention or mant care for my mental-state or well-being causal me to despoir on any tangible form of relies, and I continued to endure extreme mental and emotional anguish which only got worse through fine. Throughout my stay in seperation I battled doily with suicide, but for Fear of Parther torment by the facility stall for admittence of mental-Dures, & kept my suicidal thoughts to unwell and endured the poin for the duration of the seperation sentence. Due to min prior scricidal episode and mental health issues, I should have never been put into solitary confinement. The facility administration neglected my mental-health needs and salety by doing so despite their awareness of my mental-state and suicidal tendencies, Because of their apparenex, I am claiming neglect, cruel and un-usuall panishment, and abuse to an inmate

Claim #4

On 12/4/11; I was in tank 12 and was in a painfully un-stable state of mind, and had been enduring such since august, 2011, without relief the level of mental and emotioned anyrish had reached a critical paint of which I couldn't bear any languer. I made C.O. Marthan Cathery owners of Such, by telling him I was not ok, and that I needed to talk to someone. He soid he would make funk pware of such and see what he could do. I made him aware of my twisted shade of mind to the extent that he knew I was in extreme mental and lemotional distress, and that I washaving un-healthy thoughts. He never reported my condition to rank or made any attempt to other me any reletion insured my safety from myself by implimenting the facilities protocal for dealing with a suicidal inmate, this sameday and during the same time-span, = pushed the emergency button multiple times, and spoke with Sout. Shart Gross making him aware of my crucial state of mind, and regursting to be taken to but of the tank and pat in observation holding. He said three different times that he was on his way but never pulled me out or offered me any relief, or insured mus salety by implimenting the prolocal for dealing with a suicidal immate, Both guards are aware of my suicidal tendencies, due to past incidents, and newlected my needs as a mental-health patient, and also nealected my safe-heaping. Their in-action contributed to the continuing deterioration of my mental-state which lead to my failed suicide attempt the following day.

claim #5

*On 12/5/11; I cas in tank 12, and still in an extremely painfull and un-stable state of mind. I got some bad news about not being able to recicle a usit from my family, which set me over the edge mentally. I got in a discussion with Conserve of our conversation, I made him aware that I was not all and that was in extreme mental and emotional anguish and made him aware of the sovereness of my mental-state. I verbally asked him to get our administrator, either Sulvin Foraher or Andrew Blizzard, so I could request to be put in observation betting as a means of relict to be offered, I let him know it was an emeroyency. He said he would make the radministration are said he could make the radministration are so in fact.

Claim # Skent) Make the administration aware. By not toking any action, he reglected my needs and my solety, as coll as his duties as a correctional officer. Throughout this same shift, I made C.O. March Hormany, C.O. Sheri Humes, and medican staff Tim Crient, batently aware of my state of mind, and desperately begged for any farm of relich and to speak to an administrator. Each employee verbally so will that they would make the administrator's aware of the situation, but furled to lake any action whatseever by not taking any action they reglected that needs and safety as well as their duties as correctionally officer's. This same shift, I veren wint to the extreme in my desperation to seek relich, that I turned in a formal regiment for the attention of Sulvin Focultar and/or Addew Blizzard, making them aware of my debitating and critical state of mind—staffing blod in the Thout I was not ok, and that I needed help. I gave the request to C.O. Sheri Heimes and she successfully delivered it to the administrator's, They decided to reglect my conjugational for help, and due to their in action, I continued to deteriorate and despoir questionally and mandally and that same might I have myself.

Claim # 6

On 12/5/11; I had attempted Snicide by hanging myself. I hung by the nech antil I want un-conciouss, and when I woke up I was cut down and being restrained on the ground. When I came into avareness enough, I noticed C.O. Down Galain had my index and middle fingers in his hands, and was using them to restrain one. He was bending them bouch to the point that we I remember thinking he was going to break them. I yelled at him multiple time a saving your going to treak my fingers, he responded by bending them bouch even further and stating to me" im trains to break them "His technique for subdiving an un-cenciouse shicide victim was not in accord with protocal but abuse and excressive use of force, and due to his virballized interhions of breaking my fingers, as sault. During this same incident of Restraint an allow had grabbed me by the nech, pushing my head against the ground and putting their fingers into my pressure point I don't know the grounds name but one of the withnesses should know their technique to subdue me was not in accord with protocal and was excessive use of force and abuse to an inmate.

C. Has any court ever warned or notified you that sanctions could be imposed? D. If your answer is "yes", give the following information for every lawsuit in which warning was imposed. (If more than one, use another piece of paper and answer the same questions.) 1. Court that imposed warning (if federal, give the district and division): 2. Case Number: 3. Approximate date warnings were imposed: Executed on: 13/25/11 DATE

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PLAINTIFF'S DECLARATIONS

- 1. I declare under penalty of perjury all facts presented in this complaint and attachments thereto are true and correct.
- 2. I understand if I am released or transferred, it is my responsibility to keep the Court informed of my current mailing address and failure to do so may result in the dismissal of this lawsuit.
- 3. I understand that I must exhaust all available administrative remedies prior to filing this lawsuit.
- 4. I understand I am prohibited from bringing an *in forma pauperis* lawsuit if I have brought three or more civil actions in a Court of the United States while incarcerated or detained in any facility, which lawsuits were dismissed on the ground they were frivolous, malicious, or failed to state a claim upon which relief may be granted, unless I am under imminent danger of serious physical injury.
- 5. I understand even if I am allowed to proceed without prepayment of costs, I am responsible for the entire \$350 filing fee and costs assessed by the Court, which shall be deducted in accordance with the law from my inmate account by my custodian until the filing fee is paid.

Signed this Talenh All day of December, 20 11 (year)

(Signature of plaintiff)

WARNING: The Plaintiff is hereby advised any false or deliberately misleading information provided in response to the following questions will result in the imposition of sanctions. The sanctions the Court may impose include, but are not limited to monetary sanctions and/or the dismissal of this action with prejudice.